

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

TERRY KUEHNER,)	2:08cv1319
)	Electronic Filing
Plaintiff,)	
)	Judge David S. Cercone /
v.)	Magistrate Judge Lisa Pupo Lenihan
)	
PHYSICIAN ASST. MYER; DR.)	
HERBIK; and DR. SAAVEDRA,)	
)	
Defendants.)	

MEMORANDUM ORDER

The above captioned case was initiated by the filing of a Motion to Proceed in Forma Pauperis (Doc. No. 1) on September 22, 2008. It is assigned to Judge David S. Cercone and referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates Judges.

The Magistrate Judge's Report and Recommendation (Doc. No. 72), filed on March 24, 2010, recommended that the Joint Motion to Dismiss for Failure to Prosecute (Doc. No. 60) be denied. The Plaintiff was served at his address of record, SCI Fayette, Post Office Box 9999, LaBelle, PA 15450-0999, and on counsel for the Defendants. The parties were advised they were allowed fourteen (14) days from the date of service to file written objections to the report and recommendation. No objections have been filed. After review of the pleadings and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 6th day of May, 2010;

IT IS HEREBY ORDERED the Joint Motion to Dismiss for Failure to Prosecute (Doc. No. 60) is **DENIED**.

IT IS FURTHER ORDERED that the Report and Recommendation (Doc. No. 72) of Magistrate Judge Lenihan, dated March 24, 2010, is adopted as the opinion of the court.



David Stewart Cercone
United States District Judge

cc: Terry Kuehner
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Counsel of record via electronic mail.